

YUMA COUNTY COMMISSIONERS

August 15, 2014

Minutes¹

On August 15, 2014 at 8 a.m., the Yuma County Board of Commissioners met in regular session with Chairman Dean Wingfield, Commissioners Robin Wiley and Trent Bushner present.

Administrator Kara Hoover was present throughout the day.

The Commissioners reviewed and signed accounts payable checks and reviewed monthly financials as submitted by the Department of Health and Human Services, who were gone to a training this day.

Maintenance/Custodial

Maintenance/Custodial Personnel Daryl and Sandy Juhnke reported on repairs needed for one of the main water pumps for the heating system. They received a quote from Wern Air for repairs. After a bit of discussion on costs, the Commissioners asked that they research a bit more to price a new pump.

Kissinger & Fellman, PC

At 8:40 a.m. a call was made to Attorney Nancy Rodgers. Commissioner Wiley moved to enter into executive session for attorney client privilege discussions on legal matters under CRS 24-6-402(4)(b) to receive legal advice on specific legal questions relating to W-Y Communication Center. Commissioner Bushner seconded the motion. The motion passed unanimously. Executive session ended at 9:02 a.m.

Road and Bridge

Supervisor Mark Shaw and Truck/Mining Foreman Howard McGinnis were in attendance to give Road and Bridge department updates. The following items were discussed:

- *EIAF Grant Supplemental* - The supplemental for the Energy Impact Assistance Fund Grant-Yuma County Road Improvement CA#2 was reviewed. This supplemental modified the award amount from \$445,000 to \$595,083. Commissioner Wiley moved to accept the amended contract for the Energy Impact Assistance Fund Grant, EIAF 7115-Yuma County Road Improvement CA#2, accepting the modified amount of \$595,083. Commissioner Bushner seconded the motion; which passed unanimously. Three original contracts were signed and sent to DOLA for signatures.
- *Flooding* - Shaw reported that there were no reports of any major flooding from last night's storm. There has been dirt hauled in to Old Post Road to allow for better drainage. According to Mark, the landowners on the Old Post Road do not want deeper ditches dug.
- *Graveling* - Road work is currently underway on County Road 7 where operators are graveling to County Road MM. Discussion was held on the need for gravel at County Line Road and coordinating with Kit Carson County to use the Jerry Brenner gravel pit since the location is much closer; Mark will look into this.
- *Mowing* - Shaw reported that mowing operations are ongoing. The Commissioners discussed with Road & Bridge personnel the importance of staying on top of mowing operations within the county. The wet weather we have experienced this year has greatly decreased the already short 200 mower days of the county. The Commissioners asked that Road & Bridge keep mowing a priority.

¹ Minutes prepared by Kara Hoover-summary of discussions, not verbatim

- *Approaches* - Shaw presented a road access form from Bradley Payton for a new grain bin site at County Road 37 ½ and County Road D. Shaw stated the approach on County Road 59 has been repaired.
- *Culverts* - The Commissioners relayed to Shaw that they had a report of a post and culvert which had been damaged on County Road 45, ½ mile east of Highway 59; Shaw will look into this.
- *Packers* - Commissioner Bushner said he has received a phone call thanking Road & Bridge for using packers on the roads.
- *Cargill* - There has been a management change at Cargill and the Commissioners asked Shaw to visit with the new manager to discuss road use before the weather changes and the snow starts. Commissioner Bushner said he would accompany Shaw if he would like him to.
- *Shoulders on the Roads*: Shaw stated that a disc has farmed the shoulder on County Road 4 by Joes.
- *Gravel Pit*: The Mekelberg Gravel Pit shows a spot where there has been digging in a reclaimed part. McGinnis stated that this has to be remedied; they will speak to landowner and ask them to dig only in open areas.
- *Underground and Utility Permit* - Shaw presented an Underground and Utility Permit for Augustus Energy. Commissioner Bushner moved to approve the **Underground and Utility Permits for Augustus Energy to install electric lines under County Road 27-Z at the intersection from Northwest to Southeast**. Commissioner Wiley seconded the motion; which passed unanimously.

District Attorney's Office

Doug Copley, Chief Investigator, was in to give an update on the District Attorney's Office. Britney Lewton was ill and not able to attend. Copley visited with the Commissioners about a serious case in Sterling where the District Attorney's office may pursue the death penalty. The case involves a great deal of work. The DA's office may need to hire a private investigator specifically to work on this case if they do choose to pursue it.

Copley relayed that, in general, crimes are down; but homicides and sex offender crimes are up. According to Copley, these are the cases that are costly to the counties involved.

Treasurer

Treasurer Dee Ann Stults visited with the Commissioners about various department items, to include:

- *July Treasurers Report* - Dee Ann Stults gave the treasurer's report for the month of July, 2014. There were \$617,210.84 in taxes collected, and \$17,764.79 in fees collected. She reported that 99% of taxes have been collected. The month of July is the first full month that the Treasurer has used the new system, Computer Information Concepts, solely.
- *Tax Deed* - Dee Ann presented a tax sale certificate for severed mineral interest that occurred in 2011. The Commissioners reviewed the information. Commissioner Wiley moved to obtain the Treasurer's Deed on Tax Sale Certificate Number: 210066, issued pursuant to the tax lien sale held on 11/09/2011 on 1.5/400 MI N2,SE4 SEC 30 1S47 1/200 MI SE4,W2 SEC 27, SE4NE4,E2SE4 SEC 28,NE4 SEC 33, NW4 SEC 34 1S48: 1/200 MI E2E2 SEC 19, 1S47 SEVERED MINERAL INTEREST. Commissioner Bushner seconded. The motion passed unanimously.



- **Tax Lien** – Dee Ann reviewed a tax lien for a small grain bin where the previous land owner incurred the taxes. The current land owner does not feel he should be responsible for back taxes, but is willing to help the county move the grain bin. This would be an added cost to the county. **Commissioner Wiley moved to remove the tax lien, account number R222080 in the amount of \$128.17. Commissioner Bushner seconded the motion; which passed unanimously.**
- **Computer System** - Dee Ann presented the Commissioners with the two payoffs, as requested, for the new Computer Information Concepts system. The payoff for August was \$118,684.98 and September is \$119,098.01. The Commissioners directed her to go with the August payoff to reduce the amount of interest paid. Dee Ann said she would get a voucher for payment to the Finance Office. The group discussed that there will need to be an amendment to the 2014 budget to compensate for this payment.
- **Staffing** - Dee Ann voiced her frustrations about being short staffed since a staff member just returned to teaching at the middle school. She relayed how difficult it is to only have two people in the office, especially at lunch, or if someone needs to be gone out of the office. The Commissioners felt that there could be part-time job sharing between the Clerk/Assessor/Treasurer and would like her to hold off hiring at this time. Stults reported she has budgeted for staffing for 2014. After continued discussion, Dee Ann reported that she will advertise for a full-time clerk and will work on staffing within the 2015 budget.

Broadband Education

Darlene Carpio stopped by to review the education piece associated with the upcoming ballot question SB-152, allowing local governments to re-establish control of telecommunications services. Currently Yuma County has notified the Yuma County Clerk of their intent to participate in the coordinated election and signed an intergovernmental agreement (approved on July 31, 2014). The next step is to approve the ballot question. Attorney Erik Cecil has prepared such and this will be reviewed for approval at the August 29, 2014 Board of County Commissioner's meeting.

Commissioner Wiley moved to share the legal costs with the City of Wray and City of Yuma with Erik Cecil, Source Law PC, for preparation of the SB-152 Ballot question in the amount of \$997. Commissioner Bushner seconded. The motion passed unanimously.

Birch House

Travis Dinsmore provided an update on the repairs at the house on 311 Birch Street, Wray. Dinsmore has completed the replacement of 18 windows, painted, and made many other repairs to the house. To date he has put in 524 hours working on the house. The Commissioners took a tour of the house at the end of the day.

Sheriff's Office

Detention Officer Travis Dinsmore reported on a couple of items from the Sheriff's Office.

- **Emergency Generator** - Dinsmore told the Commissioners that he has been working with the back-up generator. He conducted a test about a week ago and has had AC Electric come in to make some revisions for proper operation. He also completed initial research for a back-up generator from Resource Management Office (RMO), governmental surplus, which would be an inexpensive alternative. The Commissioners told Dinsmore to continue to research the size and cost to the county for a back-up generator.



- *Security Cameras* - Dinsmore also relayed that the installation of security cameras has stalled, waiting for electrical work from Baucke Electric. Once electric work is completed, Lawrence will be able to complete the installation.

Land Use

Rich Birnie, Land Use/GIS Coordinator, presented Land Use updates. The following items were discussed:

- *Planning Commission Meeting* – Birnie reviewed a couple of the requests that he currently had for the next Planning Commission meeting slated for August 19, 2014. Applications have been received from the Scouler Company and Fritz and Audrey Brueggeman.
- *Feedlot Pit* – Rich provided an update on the Schamm Feedlot, Inc. pit. A notice of potential violation of Yuma County Land Use Code was sent to Schramm Feedlot, Inc./Horse, LLC on August 1, 2014; giving them 30 days to respond. Thomas Holtforf phoned on August 11th, where he reported completing a major land use application that would address items in Section 5 of the Land Use Code. In addition, Attorney Barbara Green shared that Schramm Feedlot, Inc./Horse, LLC would be responsible for the attorney and consultant fees incurred by Yuma County; and therefore, should forward a \$7,500 deposit with the \$60 for the before mentioned application.
- *Tower Setbacks* – Rick Bailey, from Viaero, visited with Rich about suggestions for revisions for the Yuma County Land Use Code for telecommunication setbacks. The Commissioner's reviewed the suggestions to the Yuma County Code for telecommunication facilities and towers setbacks to include: Non-Residential setback requirement of 110% of tower height; and Residential setback requirement of a 100-foot minimum, or two times the height of the tower, whichever is greater. The Commissioners also discussed the need to simplify the process for waivers for such setbacks and asked Rich to check with attorney Barbara Green.
- *Trailer Park Code* – Birnie relayed that Roger Brown requested the Commissioners consider adding a requirement for trailer parks to require storm shelters. The Commissioners reported that there are no trailer parks, to their knowledge, that are in outlying Yuma County; they felt this was a request for municipalities instead.
- *Mobile Home Complaint* - Birnie reported that there had been a complaint about a mobile home on County Road FF. Currently, the home owner has been notified in writing, has undergone an on-site inspection, filed the proper CRS paper work (titling the mobile home). In addition, has requested a 60 day extension to remedy issues noted; complete an Activity Notice, move the mobile home 25' from the rear property line, and move or take down the car port on the south side of house to comply with side yard set-back. Birnie reported that he was still awaiting the completed Activity Notice.
- *Department Review* – Rich conveyed to the Commissioners that the Land Use job was much more than he had realized. He is devoting a lot of time to the job, much more than he had anticipated. After some discussion about the job, the Commissioners asked Rich to work with the position a bit longer. The Commissioners felt that support staff could be provided now that Birnie had a good feel for the job.

County Clerk

County Clerk Beverly Wenger brought the following items for discussion before the Commissioners:

- *Liquor License* - County Clerk Beverly Wenger presented a liquor license and a special events liquor permit for



signature. Chairman Wingfield signed the license for Ballyneal Golf, Ltd, approved on July 15, 2014 and the special events liquor permit for Vernon Volunteer Fire Department, approved on July 31, 2014.

- *Elections* – Bev gave an update on the upcoming elections. She said that current ballot issues include: gaming, horse races, personhood, open meetings for school boards, and GMO labeling of food. She shared with the Commissioners that this year will be a mail ballot, which still has to be completed by each individual precinct. The polling center in Wray will be open 15 days prior to the election and the Yuma Center will open the Thursday prior to the election.
- *Office closure* – Wenger reported that the County Clerk’s office will be closed on September 10th for training.
- *Staffing* – The Commissioners discussed with Wenger the possibility of sharing an employee with other departments within the courthouse. Wenger said that it would be difficult because of the various software systems. She reported that she would rather have a half-time dedicated employee vs. a shared employee.

Administrator’s Report

Administrator Kara Hoover reviewed calls, correspondence, and presented the following for action:

- *Minutes* - Commissioner Bushner moved to approve the July 15, 2014 Board of County Commissioners minutes. Commissioner Wiley seconded the motion; which passed unanimously.
- *Drilling Contracts*- Drilling permits were reviewed as presented. Commissioner Wiley moved to approve Yuma County Permit Ordinance 1982-1 for the following wells from Augustus Energy Resources:

Haven Hill 14-15 4N47W	Schobe 14-14 1S44W	Cooper 24-34 4N47W
JB Farm 22-11 1S44W	JB Farm 23-11 1S44W	JB Farm 24-11 1S44W
JB Farm 31-11 1S44W	Legacy Acres 23-12 1S44W	Legacy Acres 31-12 1S44W
Wudtke 12-15 1S44W		

 Commissioner Bushner seconded the motion. The motion passed by unanimous vote.
- *Credit Card* - Commissioner Wiley moved to approve Resolution #08-15-2014 A for a name change for the Administrative department charge card from past Administrator Linda Briggs to Finance Officer Vicky Southards. Commissioner Bushner seconded and the motion carried unanimously.
- *Bank Authorizations* - Commissioner Wiley moved to approve the account information authorization for the Bank of Colorado to include Finance Officer Vicky Southards and Administrator Kara Hoover. Commissioner Bushner seconded. The motion unanimously passed.
- *Harris Bankruptcy* – The Commissioners spoke via phone with Attorney Stephen Monks in regards to the bankruptcy and payments owed on the previous Treasurer’s software (Colorado Customware, Inc.). Monks made it clear that Yuma County should not pay Harris directly and that the fee Yuma County owes is for the royalties for use of the software and must be paid through the bankruptcy trustees. The Commissioners asked Mr. Monks to write a letter explaining such to Harris.
- *Fair Security Staff* – It was noted that fair security staff spent an hour on August 1, 2014 in a mandatory training session that was not included on their time sheets. Commissioner Wiley moved to include an hour’s pay to all event security staff that attended the mandatory training session for 2014 Yuma County Fair security. Commissioner Bushner seconded the motion; which passed unanimously.

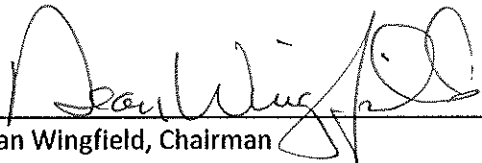


- *Meals* – There was discussion about how the meal tickets worked for security staff at the fair. It was suggested that next year meals should be provided for event staff working over 5 hours at a time.


Certification of Accounts Payable for Aug 15, 2014, drawn on Yuma County Funds, with check #57354 through #57535 totaling the sum of \$288,068.71; and Fund 16 W-Y Combined Communication accounts payable checks #6995 through #7003, totaling the sum of \$2,470.67 were signed by Chairman Dean Wingfield.

Certification of Fair Payroll checks for August 15, 2014, drawn on Yuma County Funds, checks #30136 through #30139 totaling the sum of \$4,374.45.

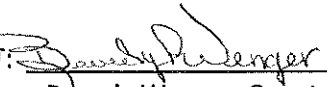
There being no further business, the meeting adjourned at 5:05 p.m. The next meetings of the board will be August 29th and September 15th, 2014.



Dean Wingfield, Chairman



Kara Hoover, Administrator

ATTEST: 

Beverly Wenger, County Clerk